

LICENSING AND APPEALS SUB-COMMITTEE

Minutes of a meeting of the Licensing Sub-Committee held on 15 May 2017 in the Council Chamber, Council Offices, Holt Road, Cromer at 11.00 am.

Sub-Committee Mr R Shepherd (Chairman)
Mr N Pearce
Mrs V Uprichard

Officers in Attendance: Public Protection Manager, Legal Advisor and Committee Officer (Regulatory).

Observers: Councillors Miss B Palmer (local Member) and J Rest

1 APOLOGIES

None

2 ITEMS OF URGENT BUSINESS

None.

3 DECLARATIONS OF INTEREST

None.

4 APPLICATION FOR A NEW PREMISES LICENCE - WALLED GARDEN, RAYNHAM HALL, SWAFFHAM ROAD, EAST RAYNHAM, NORFOLK, NR21 7EL

Present:

Tony Grover (on behalf of applicant)

Jack Bedingfield Dennis (local resident)

The Chairman introduced the Members of the Sub-Committee and Officers.

The Legal Advisor outlined the purpose of the hearing and explained the procedure for the meeting. At her request, Mr Grover and Mr Bedingfield Dennis confirmed their identity. Mr Bedingfield Dennis stated that he did not object to the application but was seeking assurances on matters of concern.

The Public Protection Manager presented the report, which related to an application for a new premises licence in respect of the Walled Garden at Raynham Hall. She circulated copies of photographs which had been submitted by Mr Grover.

No objections had been received from the responsible authorities. Correspondence had been received from three local residents raising noise concerns. The Public Protection Manager explained that noise issues would be covered by the Event Management Plan (EMP).

The Public Protection Manager referred to the mandatory conditions and additional conditions which were consistent with the operating schedule. In response to a request by Mr Grover, additional condition (b) had been amended to read "As in (a) above any EMP will provide details regarding appropriate security measures and deal with matters concerning the prevention of crime and disorder. The EMP will provide details regarding the proposed use of stewards and any qualified Security Industry Authority personnel in

accordance with the type and scale of the event being planned. It will also include the requirement for the reporting and recording incidents at any event.”

The Public Protection Manager referred to the Council’s policy and Government guidance. She informed the Sub-Committee that although paragraph 9.1 of the report incorrectly referred to guidance issued under section 182 of the Licensing Act 2003 in March 2015, the following paragraphs had been extracted from the current guidance issued in April 2017. She outlined the Sub-Committee’s options for determining this application.

The Chairman invited Mr Grover to put his case.

Mr Grover stated that he was representing the applicant, Mr Thomas Raynham, who was currently out of the country and had sent his apologies.

Mr Grover explained the location of the venue and the locations of the photographs which had been circulated. He stated that the walled garden was currently a grassed area and Mr Raynham wanted to improve it and bring it back into use. Mr Raynham considered that this was an exciting opportunity to bring a wide range of events to the area.

Mr Grover explained that the times requested in the application were to provide flexibility. There would be safeguards around how many times the venue could be used, particularly for late night events. Mr Raynham would ensure that all entertainments were run within the licensing rules and seek guidance from the relevant bodies. An EMP would be required for every event, professional and accredited companies would be used and Mr Raynham was prepared to attend meetings of the Safety Advisory Group where necessary and incorporate safety advice into the EMP.

Mr Grover circulated copies of a document containing Heads of Terms for EMPs. This would be given to organisations which wished to use the walled garden to enable them to prepare their own EMP. The document provided the basics that the plans must address but specific detail would be included for the individual events. He confirmed that the document matched the guidelines on the Council’s website.

Mr Grover addressed the issues raised in the local representations. He explained that a private festival event had been held under a Temporary Event Notice which had resulted in a number of concerns. Mr Raynham had organised a public consultation programme prior to the event and had worked with near neighbours to try to address concerns. The Police had called at the event only to warn Mr Raynham that an illegal rave nearby was being shut down and that people attending the rave might try to gain entry to the festival. The concerns raised regarding traffic was likely to have been associated with the rave rather than the festival.

Mr Grover stated that Mr Raynham was conscious that he had to co-exist with his neighbours. A minimum of four weeks’ notice would be given to the Police and the Licensing Authority and public notice given in a publication which was distributed to every home in the local area. Public events would also be advertised by roadside signs and in the press. He referred to events which were held at Holkham Hall, Blickling Hall etc and stated that Mr Raynham wanted to be able to promote events on a par with those venues. Mr Raynham considered that he could address fears through proper organisation and control measures. Mr Raynham had recently passed his personal licence course and would shortly be applying for a personal licence.

The Chairman invited Mr Bedingfield Dennis to question Mr Grover.

Mr Bedingfield Dennis had no questions but commented that since making his representation, Mr Raynham had visited him and shown him the heads of terms which were very reassuring. He explained where he lived in relation to the walled garden. He expressed concerns regarding the noise and stated that otherwise he was supportive of the proposal and Mr Raynham's plans for the estate. He acknowledged that there would be restrictions on music after midnight but was unsure as to how tight the restrictions would be.

At the request of the Legal Advisor in response to Mr Bedingfield Dennis's comments, Mr Grover explained that there would be a requirement to seek advice from a noise consultant with regard to events involving music. NNDC would be given the opportunity to attend the first event to provide an opinion on noise level settings etc. Local residents would be provided with a contact number for the event organiser. Mr Raynham would be prepared to limit the number of events between March and October which went on beyond midnight to a maximum of six.

In response to questions from Councillor N Pearce regarding the use of noise limiting equipment to cut the music if it reached a certain level, Mr Grover stated that he was happy to take this issue back to Mr Raynham. He would prefer it not to be a requirement but would accept it if necessary. Mr Bedingfield Dennis stated that it would be reassuring.

Councillor Mrs V Uprichard asked how traffic leaving the venue would be controlled as it could be quite noisy.

Mr Grover stated that events would be stewarded and people would be requested to keep noise levels down and drive off the site in an orderly manner. There was good visibility at the exit which would help in getting people out of the site. Notices could also be erected asking people to respect the local residents.

The Legal Advisor asked Mr Bedingfield Dennis to comment on the proposal to limit events after midnight to six.

Mr Bedingfield Dennis stated that he would like six to be a maximum number. He would have preferred a maximum of four events but he was not a killjoy. He referred to the festival event and considered that he was probably at fault for not realising it would be a music festival. He considered that adequate notice would allow residents to get away if they wished to do so. A party had been held in the walled garden which did not cause any problems with noise and traffic. He confirmed that music was the problem.

The Legal Advisor referred to the open nature of the walled garden and the fact that noise travelled in a rural area. She asked Mr Grover how the applicant intended to address this.

Mr Grover agreed that noise travelled in a rural area. Much depended on the cloud base, wind direction and position of speakers. The applicant would try to limit the effect of noise on neighbours through EMPs and reduction of noise levels after midnight. He confirmed that a contact number would be included in the EMP.

Councillor N Pearce sought clarification as to the position of the entrance to the car parking area. He expressed concerns as to the proposals for getting cars off the site in the event of heavy rain during an event.

Mr Grover explained the location of the entrance. He assured the Sub-Committee that wet weather contingencies would be included in the EMP.

There being no further questions or closing statements, the Legal Advisor advised the Sub-Committee that it had to consider this application with a view to the four licensing objectives, particularly those relevant to the responses which had been received. She advised the Sub-Committee to give weight to the fact that no responsible body had objected; however it also needed to consider those who had made representations and Mr Grover's comments as to how the applicants would approach the issues raised in the representations. She outlined the Sub-Committee's options for determining this application.

The Sub-Committee retired at 12.02 pm and returned at 12.53 pm.

RESOLVED

That the licence be granted subject to:

- 1. The mandatory conditions applicable under the Licensing Act 2003.**
- 2. The conditions consistent with the operating schedule as detailed in the report and as amended by the Public Protection Manager.**
- 3. The following additional conditions which were considered by the Sub-Committee to be appropriate and proportionate to promote the licensing objective of the prevention of public nuisance:**

Condition 1

Prominent clear notices shall be displayed at all exits, and in the car park, requesting customers to respect the needs of local residents and leave the premises and the area quietly.

Reason: To address the noise of persons leaving the premises.

Condition 2

Any event extending beyond midnight is only permitted between March and October inclusive. The number of days permitted to extend beyond midnight within this period is limited to 6 days a year.

Reason: To limit the disturbance from noise to members of the public during sensitive times when they are sleeping.

5. APPLICATION FOR A NEW PREMISES LICENCE - SHERINGHAM & CROMER LIONS CLUB ON THE CARNIVAL FIELD, RUNTON ROAD, CROMER, NORFOLK

This application had been withdrawn.

The meeting closed at 12.59 pm.

Chairman